



Legislative Research Council

Rules Review Committee Minutes

**Three hundred forty-first meeting
Tuesday
June 3, 2014**

**Room 414
State Capitol
Pierre, South Dakota**

The three hundred forty-first meeting of the Rules Review Committee was called to order by Chair Representative Timothy Johns at 10:02 a.m. CDT, on June 3, 2014, in Room 414 at the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Jean Hunhoff, and Mike Vehle (Vice Chair); and Representatives Anne Hajek and Timothy Johns (Chair). Member excused was Representative Peggy Gibson. Staff members present were Doug Decker, Code Counsel, and Kris Schneider, Senior Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was recorded by South Dakota Public Broadcasting. The archived recording is available at the LRC website at <http://legis.sd.gov> under "Interim."

Approval of Minutes

Senator Bradford moved, seconded by Senator Vehle, that the minutes of the May 6, 2014, meeting be approved. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Hajek, Hunhoff, Johns, and Vehle. Member excused: Gibson.

Rules Reviewed

Department of Education: Board of Education – Amend Postsecondary Vocational Education rules to remove the requirement that state fees charged to students at the postsecondary technical institutes pledged for the payment of lease purchase agreements not exceed 20% of total tuition and fees and revise the per student allocation.

Ms. Tami Darnall reviewed the proposed rules. It was noted that the per student allocation amount had not been updated in administrative rule since FY 2010. Ms. Darnall stated it was an oversight and would be updated annually in the future.

Senator Vehle moved, seconded by Representative Hajek, that the review of the rules proposed by the Department of Education: Board of Education is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Hajek, Hunhoff, Johns, and Vehle. Member excused: Gibson.

Department of Social Services: Child Care Services – Amend rules to include within the definition of a "relative provider" a caretaker who is a sibling of the child, rather than including such a sibling within the definition of "informal provider", establish that 15 semester credit hours at a college, university or technical institute is sufficient to meet the eligibility requirements for work and education to receive child care assistance, and increase the time period during which a recipient must notify the department of a change in child care providers.

Ms. Teresa Schulte and **Ms. Patricia Monson** reviewed the proposed rules.

Representative Hajek moved, seconded by Senator Hunhoff, that the review of the rules proposed by the Department of Social Services: Child Care Services is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Hajek, Hunhoff, Johns, and Vehle. Member excused: Gibson.

Department of Social Services: Economic Assistance – Amend rules to update payment standards regarding the Temporary Assistance for Needy Families (TANF) program.

Ms. Schulte and **Mr. Jim Valnes** reviewed the proposed rules and answered questions regarding the TANF program.

Senator Hunhoff moved, seconded by Senator Vehle, that the review of the rules proposed by the Department of Social Services: Economic Assistance is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Hajek, Hunhoff, Johns, and Vehle. Member excused: Gibson.

Department of Social Services: Medical Services – Amend Physician and Other Health Services rules to move the rate for anesthesia services to the fee schedule on the department's website and remove invalid modifier codes; amend School Districts rules to update terminology and licensing requirements for psychological evaluators, speech-language pathologists, speech-language pathology assistants, and audiologists and remove redundant supervision requirements, update terminology for care plans and clarify the requirements of a care plan, specify that covered nursing services include only those provided to treat a chronic medical illness and remove the limit on the allowable units per day for covered nursing services, and move the procedure codes for covered services to the department's website.

Ms. Schulte reviewed the proposed rules.

Representative Hajek moved, seconded by Senator Vehle, that the review of the rules proposed by the Department of Social Services: Medical Services is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Hajek, Hunhoff, Johns, and Vehle. Member excused: Gibson.

Department of Social Services: Finance – Amend a Liens and Estate Recoveries rule to update the definition of an "estate" to delete reference to SDCL § 10-40-1 and include the definition in SDCL § 29A-1-201 and other property or assets in which the individual had any legal title or interest, and clarify the amount included in the "estate" from funds for prepaid burial expenses.

Ms. Schulte reviewed the proposed rule.

Representative Hajek moved, seconded by Senator Hunhoff, that the review of the rule proposed by the Department of Social Services: Finance is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Hajek, Hunhoff, Johns, and Vehle. Member excused: Gibson.

Department of Game, Fish and Parks – Amend Application for License rules to enable any person who meets the eligibility requirements to apply for and receive a preference point for any hunting season with a limited license allocation.

Mr. Tony Leif reviewed the proposed rules.

Senator Hunhoff moved, seconded by Representative Johns, that the review of the rules proposed by the Department of Game, Fish and Parks is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Hajek, Hunhoff, Johns, and Vehle. Member excused: Gibson.

Department of Social Services: Adult Services and Aging and the Department of Human Services: Developmental Disabilities – Amend rules relating to Preadmission Screening and Resident Reviews including updating criteria for exemptions from reviews, updating the explanation of the review process and requirements, clarifying the determination and notification process for needed services, updating the appeal process, updating the length of stay requirements, updating the admission and facility transfer process, clarifying residency requirements, and updating terminology.

Ms. Schulte, Mr. Grant Flynn, and Ms. Yvette Thomas reviewed the proposed rules.

Representative Johns moved, seconded by Senator Bradford, that the review of the rules proposed by the Department of Social Services: Adult Services and Aging and the Department of Human Services: Developmental Disabilities is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Hajek, Hunhoff, Johns, and Vehle. Member excused: Gibson.

Next Meeting

The next meeting of the Interim Rules Review Committee will be on Tuesday, July 8, 2014.

Adjournment

Representative Hajek moved, seconded by Senator Hunhoff, that the meeting be adjourned. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Hajek, Hunhoff, Johns, and Vehle. Member excused: Gibson.

Chair Johns adjourned the meeting at 11:20 a.m.